

Please amend claim 23 as follows:

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B7 23. (Twice amended) The tampon applicator of claim 22,
wherein said at least one concave gripping surface is at least
two concave gripping surfaces, and wherein each of said at least
two angled shoulder surfaces are disposed adjacent to each of
said at least two concave gripping surfaces on said fingergrip
area.

REMARKS

Claims 1 through 5 and 7 through 23 are pending in the present application. Amendments to the claims set forth above are reflected in attached entitled "Detailed Amendments to the Claims". Applicants note with appreciation the fact that the Action states that claims 15 and 21 would be allowable if rewritten. However, for at least the reasons set forth below, Applicants respectfully submit that the remaining claims are also in condition for allowance.

Claim 18 is rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter that applicants regard as the invention.

The Action contends that "grooves" and "louvers" would inherently result in ribs being formed, yet the claims exclude ribs. Applicants respectfully submit that the term "other than ribs" has been removed from claim 18. As such, claim 18 is now definite. Applicants respectfully request reconsideration and withdrawal of the §112 rejection of claim 18.

Claims 1, 2, 4, 5, 9 through 14, 16 through 20, 22 and 23 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,536,178 to Lichstein et al. (Lichstein).

Lichstein discloses a tampon applicator with a tubular barrel adapted to house a tampon pledget and accommodate a slidable tubular plunger. The barrel includes a rear portion having two diametrically opposed, substantially flattened surfaces with gripping ribs thereon.

Claim 1 discloses a tampon applicator having a barrel adapted to house a pledget therein and to receive a plunger therein. The barrel has a fingergrip area adapted to partially house and engage the plunger. The fingergrip area has at least one substantially flattened surface with at least one gripping structure selected from the group consisting of embossments, slits, perforations, lances, pressure sensitive adhesive, and

any combinations thereof. The fingergrip area has a reduced diameter relative to the barrel. The at least one substantially flattened surface and the at least one gripping structure provide gripping ability to overcome ejection forces applied to the barrel by the pledget and/or the plunger.

It is respectfully submitted that Lichstein fails to disclose a tampon applicator having at least one substantially flattened surface with at least one gripping structure selected from the group recited in claim 1. To the contrary, Lichstein only discloses a plurality of spaced apart ribs or treads on surfaces 30, which form the gripping structures.

Applicants disagree with the Action's contention that the concavity or depression disclosed in col. 4, lines 14-24 of Lichstein defines any of the claimed gripping structures. Referring to page 4 of the present Office Action (Action), Lichstein is correctly characterized by the Action as **not disclosing the fingergrip area as being other than ribs**. It appears here that the Action recognizes that the concavity or depression of surfaces 30, as disclosed in Lichstein, do not represent gripping structures, as presently claimed, but merely discloses a geometry associated with the actual surfaces 30. To the contrary, the claimed gripping structures are in fact

structures present **in addition to** the substantially flattened surfaces.

Even if one mistakenly assumes that the concavity or depression disclosed in Lichstein is a gripping structure, it is respectfully asserted that embossments, slits, perforations, lances, or pressure sensitive adhesive, either alone or in combination, as claimed, do not define a concavity or depression.

Dependent claim 9 recites the tampon applicator of claim 1, wherein the at least one gripping structure is aligned with an outer surface of the at least one substantially flattened surface.

As noted above, Lichstein discloses ribs or treads, both of which clearly extend above the substantially flattened surface. Therefore, Lichstein fails to disclose any gripping structure that is aligned with the at least one substantially flattened surface, as recited in claim 9.

Therefore, Applicants respectfully submit that Lichstein fails to disclose or suggest the tampon applicator recited in

claim 1, and claims 2, 4, 5 and 9 through 12, which depend either directly or indirectly from claim 1.

Independent claim 13 is directed to a tampon applicator having a barrel adapted to house a pledget therein, the barrel having a fingergrip area adapted to partially house and engage the plunger. The fingergrip area has at least one convex gripping surface with at least one gripping structure. The fingergrip area has a reduced diameter relative to the barrel. The at least one convex gripping surface and the at least one gripping structure provide gripping ability to overcome ejection forces applied to the barrel by the pledget and/or the plunger.

It is respectfully submitted that Lichstein fails to disclose or suggest a fingergrip area having at least one convex gripping surface with at least one gripping structure, as recited in claim 13. Applicants respectfully assert that the rear portions 32 of the Lichstein applicator are not convex gripping surfaces, as recited in claim 13. Clearly, as depicted in Fig. 9 of the present application, in conjunction with the specification at page 14, lines 12-16, surfaces 30 are formed with convex gripping surfaces. It is these convex gripping surfaces that have at least one gripping structure to further provide increased gripping ability to the applicator. Clearly,

rear portions 32 of the Lichstein patent are not gripping surfaces. In addition, rear portions 32 certainly do not have one or more gripping structures, as claimed.

Dependent claim 14 recites the tampon applicator of claim 13, wherein the fingergrip area has at least one pair of diametrically opposed, convex gripping surfaces.

As set forth above for claim 13, Lichstein clearly fails to disclose an applicator with a fingergrip area having any convex gripping surfaces. Therefore, it follows that Lichstein fails to disclose the tampon applicator recited in claim 14.

Dependent claim 18 recites the tampon applicator of claim 13, wherein the at least one gripping structure is selected from the group consisting of embossments, protuberances, slits, grooves, louvers, perforations, lances, abrasive media, high wet coefficient of friction materials, pressure sensitive adhesives, and any combinations thereof.

The Action contends that surfaces 30 and 34 of the Lichstein patent define a groove or an embossment with respect to the remainder of the barrel. Applicants respectfully assert that surfaces 34, which are angled shoulders, are not grooves or

embossments. A groove is defined in *Webster's Ninth New Collegiate Dictionary* as a **long narrow** channel or depression (emphasis added). Clearly, the angled shoulders 34, either alone or with surfaces 30, do not define a long narrow channel or depression. To the contrary, angled shoulder 34 is a **short, wide** indentation.

Also, Applicants respectfully assert that angled shoulder 34, either alone or in conjunction with surface 30, does not define an embossment. An embossment is a structure raised from a surface. ("emboss" is defined in *Webster's Ninth New Collegiate Dictionary* as 1. to raise the surface of into bosses: esp. to ornament with raised work; 2. to raise in relief from a surface). To the contrary, angled shoulder 34 is depressed, and not raised from a surface. Therefore, angled shoulder 34 cannot define an embossment. As such, Lichstein fails to disclose a groove or an embossment on the fingergrasp area.

Therefore, Applicants respectfully submit that Lichstein fails to disclose or suggest the tampon applicator recited in claim 13, and claims 14 and 16 through 18, which depend either directly or indirectly from claim 13.

Independent claim 19 is directed to a tampon applicator having a barrel adapted to house a pledget therein and to receive a plunger therein. The barrel has a fingergrip area adapted to partially house and engage the plunger. The fingergrip area has at least one concave gripping surface with at least one gripping structure. The at least one gripping structure is selected from the group consisting of embossments, slits, perforations, lances, pressure sensitive adhesives, and any combinations thereof. The fingergrip has a reduced diameter relative to the barrel. The at least one concave gripping surface and the at least one gripping structure provide gripping ability to overcome ejection forces applied to the barrel by the pledget and/or plunger.

It is respectfully submitted that Lichstein fails to disclose a tampon applicator with a fingergrip area having at least one concave gripping surface with at least one gripping structure selected from the claimed Markush group. Again, contrary to the Action's contention, surfaces 30 and 34 do not define a groove or an embossment, as set forth above.

Therefore, Applicants respectfully submit that Lichstein fails to disclose or suggest the tampon applicator recited in

claim 19, and claims 20, 22 and 23, which depend either directly or indirectly from claim 19.

Overall, Applicants respectfully submit that Lichstein fails to disclose or suggest the claimed tampon applicator. As such, reconsideration and withdrawal of the §102(b) rejection of claims 1, 2, 4, 5, 9 through 14, 16 through 18, 19, 20, 22 and 23 is respectfully requested.

Claims 1 and 7 are rejected under 35 U.S.C. §103(a) as being unpatentable over Lichstein in view of U.S. Patent No. 3,575,169 to Voss.

Claim 1 is set forth above. Lichstein is also set forth above. Voss is directed to a tampon applicator barrel with any number of different arrangements of elements secured to the barrel. The elements are formed separately from the barrel and then applied to the barrel surface by means such as adhesive and interference fit. The different arrangements disclosed include rectangles (Fig. 2), dots (Fig. 3), abrasive material (Fig. 4), wavy ribs (Figs. 5 and 7), and ribs (Fig. 6).

It is respectfully submitted that neither Lichstein nor Voss, either alone or in combination, disclose a tampon


applicator having a fingergrasp with at least one gripping structure from the claimed Markush Group recited in claim 1. As noted by the Action, Lichstein does not disclose the fingergrasp area as being other than ribs.

While Voss does disclose elements that, when affixed to the barrel, result in raised structures, Voss clearly does not disclose embossments, slits, perforations, lances, and pressure sensitive adhesives, as recited in claim 1.

Therefore, it is respectfully submitted that claim 1, as well as claim 7 which depends from claim 1, is patentably distinguishable over the cited art taken either alone or in combination.

It is respectfully submitted that this is a full and complete response to the Action and that claims 1 through 5, and 7 through 23 are patentably distinguishable over the cited art. Therefore, Applicants respectfully request reconsideration and withdrawal of the rejections of these claims and passage of this application to allowance.

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A handwritten signature in cursive script, appearing to read "Charles N.J. Ruggiero", is written over a horizontal line.

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DETAILED AMENDMENTS TO THE CLAIMS

IN THE CLAIMS

Claim 1 is amended as follows:

1. (Twice Amended) A tampon applicator comprising:

a barrel adapted to house a pledget therein and to receive a plunger therein, said barrel having a fingergrip area adapted to partially house and engage said plunger, said fingergrip area having at least one substantially flattened surface with at least one gripping structure selected from the group consisting of embossments, slits, [grooves, louvers,] perforations, lances, [high wet coefficient of friction material,] pressure sensitive adhesive, and any combinations thereof, wherein said fingergrip area has a reduced diameter relative to said barrel,

wherein said at least one substantially flattened surface and said at least one gripping structure provide gripping ability to overcome ejection forces applied to said barrel by said pledget and/or said plunger.

Claim 13 is amended as follows:

13. (Amended) A tampon applicator comprising:

a barrel adapted to house a pledget therein and to receive a plunger therein, said barrel having a fingergrip area adapted to partially house and engage said plunger, said fingergrip area having at least one convex gripping surface with at least one gripping structure, wherein said fingergrip area has a reduced diameter relative to said barrel,

wherein said at least one convex gripping surface and said at least one gripping structure provide gripping ability to overcome ejection forces applied to said barrel by said pledget and/or said plunger.

Claim 14 is amended as follows:

14. (Amended) The tampon applicator of claim 13, wherein said fingergrip area comprises at least one pair of diametrically opposed, convex gripping surfaces.

Claim 15 is amended as follows:

15. (Amended) The tampon applicator of claim 13, wherein said fingergrip area comprises an odd number of convex gripping surfaces, and wherein at least one of said convex gripping surfaces is diametrically opposed to a pair of adjoined convex gripping surfaces.

Claim 17 is amended as follows:

17. (Twice Amended) The tampon applicator of claim 16, wherein said at least one convex gripping surface is at least two convex gripping surfaces, and wherein each of said at least two angled shoulder surfaces are disposed adjacent to each of said at least two convex gripping surfaces on said fingergrip area.

Claim 18 is amended as follows:

18. (Amended) The tampon applicator of claim 13, wherein said at least one gripping structure is selected from the group consisting of[:] embossments, protuberances [other than ribs], slits, grooves, louvers, perforations, lances, abrasive media, high wet coefficient of friction materials, pressure sensitive

adhesives, and any combinations thereof.

Claim 19 is amended as follows:

19. (Twice Amended) A tampon applicator comprising:

a barrel adapted to house a pledget therein and to receive a plunger therein, said barrel having a fingergrip area adapted to partially house and engage said plunger, said fingergrip area having at least one concave gripping surface with at least one gripping structure selected from the group consisting of embossments, [protuberances other than ribs,] slits, [grooves, louvers,] perforations, lances, [high wet coefficient of friction materials,] pressure sensitive adhesives, and any combinations thereof, wherein said fingergrip area has a reduced diameter relative to said barrel,

wherein said at least one concave gripping surface and said at least one gripping structure provide gripping ability to overcome ejection forces applied to said barrel by said pledget and/or said plunger.

Claim 20 is amended as follows:

20. (Amended) The tampon applicator of claim 19, wherein said fingergrip area comprises at least one pair of diametrically opposed, concave gripping surfaces.

Claim 21 is amended as follows:

21. (Amended) The tampon applicator of claim 19, wherein said fingergrip area comprises an odd number of concave gripping surfaces, and wherein at least one of said concave gripping surfaces is diametrically opposed to a pair of adjoined concave gripping surfaces.

Claim 23 is amended as follows:

23. (Twice Amended) The tampon applicator of claim 22, wherein said at least one concave gripping surface is at least two concave gripping surfaces, and wherein each of said at least two angled shoulder surfaces are disposed adjacent to each of said at least two concave gripping surfaces on said fingergrip area.